U.S. Department of Labor

Office of Administrative Law Judges
800 K Street, NW, Suite 400-N
Washington, DC 20001-8002

(202) 693-7300
(202) 693-7365 (FAX)

Issue Date: 13 January 2006

…….
In the Matter of

EUGENE HAWKINS
Claimant
v.
SSA – COOPER LLC;/HOMEPORT INSURANCE CO.
Employer/Carrier
And
DIRECTOR, OFFICE OF WORKERS' COMPENSATION PROGRAMS
Party in Interest
……..

Case No. 2004 LHC 01295
OWCP No. 6-190183

ORDER AWARDING ATTORNEYS' FEES

Claimant's attorneys, having successfully obtained an award granting benefits for 4½ months of total disability amounting to $19,192.06 in compensation on behalf of their client in the above-captioned matter, have petitioned for fees and costs amounting to $62,215.15. In response, Employer, citing Hensley v. Eckerhart, 461 U.S. 424 (1983), challenges the petition as excessive when compared with the benefits Claimant obtained and objects to the hourly rates charged, the number of hours billed, and several claimed costs.

Counsel's total bill may be broken down as follows: 69.90 hours billed at a rate of $250.00 per hour for Joseph Camerlengo, Esq., .10 hours billed at a rate of $250.00 per hour for P. Heath Brockwell, Esq., 135.3 hours billed at a rate of $175.00 per hour for Gregg Anderson, Esq., 2.60 hours billed at rate of $115.00 per hour for Sarah Anderson-Congo, 2.00 hours and 2.3 hours billed at rates of $110.00 and $115.00 per hour for Candice Briggs, .4 hours billed at a rate of $115.00 per hour for Erin Moorman, 109.2 hours billed at a rate of $115.00 per hour for law clerks, and 26.2 hours billed at rate of $115.00 per hour for Tatum Liadal, and total costs of $5,168.69. Counsel claim that their hourly rates and those they charged for the paralegals and law clerks are consistent with the rates charged by others in the Jacksonville area.

At this point, it should be noted that the District Director forwarded this case for hearing on March 3, 2004. The Board has held that attorney's fees and charges must be submitted for approval to the office before which the charges were incurred. Consequently, 6 hours charged by Mr. Anderson and 2.5 hours charged by Ms. Biggs prior to March 3, 2004, must be submitted for approval to the District Director, and will not further be considered here.

Hourly Rate Billed
Attorneys

At the outset, Employer believes Counsel's hourly rates are excessive. In assessing the appropriate hourly rate in a contested fee situation, a number of factors need be considered, including the prevailing fees in the geographic market in which the services were rendered, the level of expertise exhibited by counsel, the efficiency demonstrated in dealing with the issues, and the overall complexity of the matter. 20 C.F.R. Section 702.132.

The record shows that Mr. Camerlengo is an experienced, highly capable counsel with impressive credentials and expertise in Longshore cases which he has demonstrated in this matter. Nevertheless, the $250.00 per hour billed here has not been shown to represent the usual and customary billing rate for matters of this type in the geographic area in which the services were provided. Further, it does not appear that this matter involved unusual complexities or that counsel achieved extraordinary efficiencies based upon his expertise in handling Longshore litigation. 20 C.F.R. Section 702.132. Under such circumstances, $250.00 per hour appears excessive and can not be approved. *See*, Pyles v. Atlantic Container Services, 2003 LHC 2793 (April 28, 2005); Selman v. National Container of Savannah, 2003 LHC 2233 (March 2, 2005); Edwards v. Todd Shipyard Corp., 25 BRBS 49 (1991).

In the Jacksonville geographic market, a reasonable billing rate for highly experienced counsel such as Mr. Camerlengo in a case of this type at the time services were rendered was $200.00 per hour. *See*, King v. Atlantic Drydock, 2002 LHC 1925, 1926 (ALJ, June 28, 2004); Sibley v. RCA Services, 2003 LHC 03, (ALJ, October 6, 2004). I have approved that rate in other cases involving experienced litigators, including Mr. Camerlengo, *see*, Lowry v. Container Maintenance, 2005 LHC 823, 2004 LHC 1396; (ALJ April 5, 2005), and those cases are relevant here. Edwards v. Todd Shipyard Corp., 25 BRBS 49 (1991). Similarly, I have in the past, approved for Mr. Anderson, *See,* Lowery, *supra*, and

others with similar experience, a rate of $175.00 per hour in routine Longshore cases such as this, and that rate will be approved for him here. Mr. Brockwell's experience in Longshore matters is not reflected in this record. Consequently, the petition does not justify a rate exceeding $150.00 per hour for his time. Accordingly, a rate of $200.00 per hour is approved for Mr. Camerlengo, $175 per hour is approved for Mr. Anderson, and $150 per hour is approved for Mr. Brockwell.

Paralegals and Law Clerks

In addition, to attorney's fees, Counsel has also billed $100.00 and $115.00 per hour for paralegal and law clerk time. Counsel advises that Ms. Biggs has ten years of experience as a paralegal; however, the experience of the other paralegals has not been provided. Further, the petition does not demonstrate that $115.00 or even $100.00 per hour is a reasonable rate for paralegals in matters of this type in the geographic area in which the services were rendered. As such, the billing rates charged for the paralegals appear excessive and can not be approved.[1]

Thus, in Duckworth v. Whisenant, No. 95-9341, (11th Cir. Oct. 21, 1996), the Court affirmed a District Court ruling that: "Because there is no evidence regarding the paralegals' expertise in a civil rights case, the court finds that compensation at the lowest rate for paralegals outlined by Mr. Weathersby, $45 per hour, is an appropriate fee." The rationale in Duckworth is equally applicable here. In view of Ms. Biggs' experience, a paralegal rate of $75.00 appears reasonable in light of her experience but in the absence supporting data from the relevant market. For the paralegal assistance Counsel receives from other members of his staff, a rate of $60.00 per hour has been approved in the past and seems reasonable here. *See*, Lowry, *supra*.

[1] In Laird v. Sause Bros., Inc., BRB Nos 04-0111; and 04-0170 (Sept. 30, 2004), a case arising out of Portland, Oregon, the Board approved paralegal fees billed at an hourly rate of $85.00. In an article published January 15, 2005 by Mark D. Killian, Managing Editor of The Florida Bar News entitled "Let the Economic Good Times Roll Florida Bar Survey Finds Lawyers' Earnings Are up Across the Board" found similar paralegal rates prevail in Florida. Killian's survey found 65 percent of Florida firms employ legal assistants/paralegals. The typical newly hired legal assistant/paralegal without experience made $26,000 last year. Current legal assistants/paralegals with less than five years experience made $30,500, while those with five to 10 years experience made $40,000, and those on the job for more than 10 years pulled in $45,000. Forty-two percent of those surveyed said the hourly rate billed for legal work performed by their legal assistants or paralegals is more than $80, and 71 percent report the hourly rate is over $60 per hour.

Counsel also billed at a rate of $115.00 per hour for the time invested by each of three law clerks, two of whom were third year law students. Although the petition cites a general range of $40.00 per hour between a low of $75.00 per hour to the high of $115.00 per hour for law clerks in Jacksonville, it does not explain why the law clerks were billed at the high end of the range in this instance. The petition thus fails to justify the specific rate of $115.00 per hour for law clerk work. Accordingly, in the absence of supporting documentation of a higher rate for the law clerks, more than $75.00 per hour for their time has not been justified.

Number of Hours Billed

Before turning to the individual items challenged by the Employer, I should comment further on the correlation between the hourly rate an expert may command and the efficiencies he or she may be expected to achieve. In this instance, Mr. Camerlengo devoted 69.9 hours, and Mr. Anderson devoted 135.3 hours to Claimant's cause.

In general, an inverse relationship exists between the expertise claimed, as reflected in Counsel's hourly rate, and the number of hours billed. As the level of expertise increases, the number of hours it should take to prepare a case would be expected to decrease. Conversely, a novice in the field would be expected to require more time than an expert to study and prepare the same case. Thus, inherent in the expert's hourly rate is the skill and knowledge which allows him or her to achieve the type of practice efficiencies which benefit the client or the party otherwise responsible for the client's bills.

In the usual situation in which the client pays the fee, the relationship imposes an important check on the attorney's pricing freedom. A client would not expect, and would likely object, if an expert in the field billed for the same number of hours to complete a project as it would take an inexperienced junior associate. Yet, in the regulatory environment in which this case arises, the Claimant/client is not the party responsible for paying his attorney's fees. Rather, the opposing party is on the hook, and economic fee constraints present in the free market are absent.

As the normal supply and demand curve demonstrates, as price approaches zero, demand approaches the infinite. To the Claimant in a Longshore case, the price of an attorney's services is zero. He is restrained by none of the economic forces that limit a non-subsidized client's demand for counsel's time. Since the claimant is not paying the fee for services he receives, the potential demand for

service, as in a contingent fee situation, can mount considerably, and not all of that demand may be reasonable. If the attorney himself places no restraints on the client's demand for service under these circumstances, or if the attorney abuses the absence of such economic restraints by generating excessive hours, no real constraint, beyond the attorney's inherent endurance, exists at all.

Congress thus solved this dilemma by substituting a third party approval process for the usual market checks and balances which exist between an attorney and client. This alternative mechanism anticipates that essentially the same economic considerations that otherwise exist for a client paying an hourly rate also exist in the regulatory setting in which the service is essentially free to the client and someone else pays the fee. Reasonable consultation and communication is expected and the attorney is entitled to fair compensation for his necessary preparation, but the party responsible for paying the fee is entitled to the same types of constraints that the market would impose. *See also*, 20 C.F.R. Section 702.132

Included within these constraints, however, is the clear recognition that Claimant's counsel must, at all times, provide services reasonably necessary to prepare adequately and present his client's case, and must prevail to earn his fee. In turn, the Employer is entitled to mount the defense it deems in its best interests; however, when an employer simply "stonewalls" a claim or pulls out all the stops vigorously defending a relatively small claim and the claimant prevails, claimant's counsel need not subsidize his client's case by accepting less than the fees generated by the dictates of his adversary's strategy and tactics. Accordingly, the circumstances of each case must guide the analysis.

Hours Challenged as Clerical Work

Employer challenges 39 separate entries between March 3, 2004 and April 11, 2005, on the ground that they represent bills for the type of clerical work ordinarily charged to overhead. Included in the contested entries are charges for reviewing correspondence from the District Director and opposing counsel, conferring with a paralegal, preparing copy requests, preparing letters, drafting notices to opposing counsel, and status conferences with the offices of opposing counsel. These are not purely clerical items. In contrast, scheduling, preparing checks, and copying and mailing a brief are clearly administrative and clerical in nature and must be charged to overhead. Accordingly the following entries are disapproved as overhead: March 30, 2004, .2 hours for CMB; April 8, 2004, .1 hours for CMB; August 4, 6, 11, 20 and 27, 2004, 4.8 hours for CMB, TML, and

JVC; September 12, 24, .2 hours for JVC; October 15 and 25, 2004, .5 hours for TML; November 15 and 19, 2004, .5 hours for TML; December 23 and 27, 2004, .3 hours for TML and JVC; February 10 and 18, 2005, .6 hours for TML; and .2 hours for TML for copying and mailing a brief.

Employer also disputes seven entries, totaling 39 hours, billed by Mr. Anderson as unnecessary and duplicative of the work performed by Mr. Camerlengo. Employer argues that it was unnecessary for Claimant to be represented by two attorneys at pre-trial depositions or at the hearing, and it insists that these hours be disapproved. The issues raised by the total amount of the attorneys' fees will be addressed below in the context of the Supreme Court's decision in Hensley v. Eckerhart, 461 U.S. 424 (1983).

Employer, similarly, challenges ten entries, two by Mr. Anderson totaling 1.6 hours, and eight entries by LC (law clerks) and JVC totaling 19.2 hours, which it deems indicative of redundant or repetitive billing. I have reviewed each of the ten items Employer questioned and detected no redundancies or duplication of work either between the tasks performed by various law clerks or their work and the work performed by Mr. Anderson. The law clerks reviewed, organized, and prepared files and drafted summaries of documents and exhibits. The functions and tasks identified in the petition as performed by the law clerks are routinely assigned to law clerks; and Employer, beyond its general objection, has not specifically identified any item which is redundant or repetitive of any other item billed.

Employer finally objects to entries by "SGA" and "PHB" on the ground that it is unable to identify the jobs performed by the individuals these initials represent. The Petition identifies "SGA" as Sarah G. Anderson-Congo, and "PHB" as P. Heath Brockwell. Mr. Brockwell, it appears, is Mr. Camerlengo's partner in the firm. Ms. Anderson-Congo's position, however, is not identified. As such, 2.6 hours billed at the rate of $115 per hour for SGA can not be approved.

Costs Incurred

Counsel seeks recovery of costs described as reasonable and necessary totaling $5,168.69. Employer disputes costs amounting to $750.27 for photocopying and postage as unrecoverable overhead or vaguely described expenses and $300.00 for a deposition that was not offered at the hearing.

Postage and Copying Costs

Routine postage otherwise represents an unrecoverable overhead cost associated with the operation of a law office. Brown v. Bethlehem Steel Corp., 20 BRBS 26 (1987). Copying costs too may be disallowed as overhead, Picinich v. Lockheed Shipbuilding, 23 BRBS 128 (1989); or as too vaguely specified, particularly under the circumstances reflected here in which the petition fails to indicate what was copied, the number of pages copied, or the per page charge per copy. Brown, *supra*; Picinich, *supra*. Accordingly, $750.27 in copying and postage costs are disallowed.

The charge of $300.00 for deposition testimony fees for Providian Therapy must also be disapproved at this time. The employer objects to this charge on the ground that the expert testimony was never proffered by Claimant. Nevertheless, whether or not the testimony was actually used is not the test employed to determine whether the charge is appropriate. The question is whether the deposition was reasonably necessary to the preparation of Claimant's case in light of the contested issues in dispute at the time the deposition was taken. Counsels' petition does not address the necessity for taking the deposition, and, accordingly, the charge will be disapproved, without prejudice. Claimant's Counsel will, however, be afforded an opportunity to address the necessity of this deposition by re-submitting a petition for approval of this cost within 30 days of the date of this order.

Other itemized expenses were not contested, and accordingly, $4,118.52 in costs will be approved.

Success Achieved

Counsel petitioned for approval of $56,295.19 in total attorney fees, paralegal, and law clerk charges in this matter; and even when the hourly rate reductions imposed above along with the exclusion of time before the District Director and the adjustments in rates and hours for the paralegals and law clerks are taken into consideration, attorneys' fees still total in excess of $36,500 and paralegal and law clerk charges still amount to over $12,000.00. Employer thus demands recognition of the fact that Claimant's award was meager, not only when compared with the compensation he sought, but in comparison with the fees his attorneys now seek. In the Employer's view, the fees are disproportionate to the benefits awarded, and Employer's concern is not without merit. *See*, Knight v. Atlantic Marine, 2002 LHC 219 (ALJ March 7, 2005) (Order Awarded A Reduced

Att. Fee); Muscella v. Sun Shipbuilding and Drydock Co., 12 BRBS 272 (1980); White v. Newport News Shipbuilding & Drydock Co., 633 F.2d 1070 (4th Cir. 1980); 4 BRBS 279; Roach v. General Dynamics Corp., 15 BRBS 448 (1984). With due recognition that Claimant was ably represented by highly skilled counsel, the fees claimed still must be evaluated in light of the level of success achieved. The principles articulated by the Supreme Court in Hensley are applicable and guide the discussion which follows. *See*, Ingalls Shipbuilding, Inc., v. Director, 46 F.3d 66 (5th Cir. 1995); George Hyman Constr. Co. v. Brooks, 963 F.2d 1532 (D.C. Cir. 1992); General Dynamics Corp. v. Horrigan, 848 F.2d 321 (1st Cir. 1988); Rogers v. Ingalls shipbuilding, Inc., 28 BRBS 89 (1993).

Hensley Factors

In Hensley, the successful attorneys in a civil rights case sought fees amounting to approximately $150,000 and enhancements of 30 to 50 percent. The high court observed that the number of hours reasonably expended on the litigation multiplied by a reasonable hourly rate is the most useful starting point for determining the amount of a reasonable fee, and I have applied that methodology above; however, the product of hours times rate does not end the inquiry. When a claimant achieves limited success, the Court's decision poses two additional questions which must be addressed: "First, did the plaintiff fail to prevail on claims that were unrelated to the claims on which he succeeded? Second, did the plaintiff achieve a level of success that makes the hours reasonably expended a satisfactory basis for making a fee award?" Hensley at 435. Providing further guidance, the Court ruled that when claims are related or involve a common core of facts, making it difficult to divide the hours expended on a claim-by-claim basis, the trier of fact "should focus on the significance of the overall relief obtained by the plaintiff in relation to the hours reasonably expended on the litigation." Hensley at 436.

For the Claimant who has achieved partial or limited success, Hensley cautions that the product of hours reasonably expended on the litigation as a whole times a reasonable hourly rate may be an excessive amount. Knight v. Atlantic Marine, 2002 LHC 219 (ALJ March 7, 2005) (Order Awarded A Reduced Att. Fee). The Court observed that: "This will be true even where the plaintiff's claims were interrelated, nonfrivolous, and raised in good faith…. The most critical factor is the degree of success obtained." Hensley at 437. The question is how to apply the Hensley principles in a fair and equitable way; and to a large extent, the Court turned to the sound discretion of the trier of fact: "There is no precise rule or formula for making these determinations," the Court observed, emphasizing that:

"… the district court has discretion in determining the amount of a fee award.... When an adjustment is requested on the basis of either the exceptional or limited nature of the relief obtained by the plaintiff, the district court should make clear that it has considered the relationship between the amount of the fee awarded and the results obtained." Hensley at 437-38.

To further illustrate the clarity it seeks, the Supreme Court reversed the award entered by lower court:

> "…because the District Court's opinion did not properly consider the relationship between the extent of success and the amount of the fee award. The court's finding that 'the [significant] extent of the relief clearly justifies the award of a reasonable attorney's fee' does not answer the question of what is 'reasonable' in light of that level of success. We emphasize that the inquiry does not end with a finding that the plaintiff obtained significant relief. A reduced fee award is appropriate if the relief, however significant, is limited in comparison to the scope of the litigation as a whole." Hensley at 439-40. (footnotes omitted).

Applying Hensley

Now the initial issue is not whether the trier of fact found in Claimant's favor on each of several related claims. The first Hensley question is whether the Claimant failed "to prevail on claims that were unrelated to the claims on which he succeeded." The answer here is "no," Claimant did not fail to prevail on claims that were unrelated to the claims on which he succeeded. He claimed permanent total disability and received an award for total disability during the period August 24, 2003, through January 5, 2004, based upon his stipulated average weekly wage of $1,665.97. He also received an award for a 6% impairment to the right lower extremity under the schedule; however the Employer had previously paid compensation pursuant to the schedule, and the Employer was accorded full credit for its payments. Thus, the claim involved the nature and extent of disability, and the issues Claimant prevailed on and the issues he lost were related. Under these circumstances, the Court was clear that when a matter consists of related claims, a claimant who wins substantial relief should not have his attorney's fee reduced simply because each contention raised was not adopted. Counsel has thus overcome the hurdle of the first Hensley question.

Where a claimant achieves only limited success, however, the fee award should only include the amount of fees that are reasonable in relation to the results obtained. Knight v. Atlantic Marine, 2002 LHC 219 (ALJ March 7, 2005) (Order Awarded A Reduced Att. Fee). Thus, the second Hensley question is whether Claimant in this proceeding achieved: "a level of success that makes the hours reasonably expended a satisfactory basis for making a fee award." Hensley at 435.

Now the relief Claimant sought would have resulted in an award granting him in excess of $50,000 a year for the remainder of his life. The relief to which he was found entitled totaled $19,192.06. Claimant's award was, therefore, substantial; but it was, nevertheless, limited "in comparison with the scope of the litigation as a whole." Hensley at 439-40. Indeed, Claimant's failure to establish entitlement to the permanent total disability he claimed represents a significant limitation in the relief achieved in "comparison with the litigation as a whole."

Under these circumstances, the relationship between the amount of the fees sought is, to a significant degree, disproportionate to the results obtained. *See,* Hensley at 437-38. To be sure, the claims were interrelated, non-frivolous, and raised in good faith; but the product of hours expended on the litigation as a whole times a reasonable hourly rate is, in this instance, an excessive amount. As the Court decreed, "A reduced fee award is appropriate if the relief, however significant, is limited in comparison to the scope of the litigation as a whole." Hensley at 439-40. The victory achieved here simply does not support the amount of the fees claimed. Hensley at 437.

A Reasonable Fee for Limited Success

As noted above, Claimant's attorneys obtained substantial relief in a case that was well defended. The question, then, is how to compensate them in a fair and equitable way. Again, we turn to Hensley. "There is," the Court observed, "no precise rule or formula for making these determinations." The Court emphasized, however, that: "… the district court has discretion in determining the amount of a fee award...," but "should make clear that it has considered the relationship between the amount of the fee awarded and the results obtained." Hensley at 437-38. With some latitude afforded by the ability to exercise due discretion in the matter, we turn to the final, and most difficult Hensley inquiry: "the question of what is 'reasonable' in light of the level of success." Hensley at 440.

Now the Employer argues that Claimant received a schedule award as advocated by the Employer. This characterization of Employer's position is not entirely accurate. Since Claimant's counsel developed and prevailed on an issue of total disability, albeit of limited duration, they are entitled to a fee that takes into consideration the demands imposed by the limited victory they did achieve.

Employer also challenged as reasonably necessary many of the itemized hours charged in Counsel's petition. Yet, a Hensley analysis does not require the trier of fact to ruminate over each of the hundreds of specific entries in Counsels' petition, isolating and evaluating specific instances of alleged excess. In Ezell v. Direct Labor, Inc., 33 BRBS 19 (1999), the Administrative Law Judge did not specify, beyond five, which of counsel's entries were excessive, and the Board affirmed a 90% reduction in the fees requested. Similarly, in Hill v. Avondale Industries, Inc., 32 BRBS 186 (1998), aff'd sub nom. Hill v. Director, 195 F.3d 790, (5th Cir. 1999), cert. denied, 120 S. Ct. 2215 (2000), the Board held that the Administrative Law Judge properly imposed a 75% reduction in the fees based on claimant's partial success in obtaining medical benefits. Thus, the question remains here whether Counsels' fees, after the reduction in their hourly rates, are reasonable in light of the limited success achieved in comparison with "the scope of the litigation as a whole." Hensley at 439-40; *Compare*, Knight v. Atlantic Marine, 2002 LHC 219 (ALJ March 7, 2005) (Order Awarded A Reduced Att. Fee) *with* Kersey v. Container Maintenance, Inc., 2004 LHC 260 (ALJ 10/6/05) (Order Approving Attorney Fees), and Godwin v. Tradesman International Inc., 2004 LHC 01861 (Order Awarding Reduced Fees, ALJ, October 3, 2005)

The award Claimant received for temporary total disability lasting a little more than 4 1/2 months and totaling $19,192.06 is vastly less than the award of permanent total disability he sought. As noted above, Employer estimated, based on Claimant's average weekly wage, that an award of permanent total disability would have resulted in compensation payments exceeding $51,000, annually, and likely would have totaled in excess of $1 million over Claimant's lifetime. In comparison with the litigation as a whole, the success achieved was, therefore, quite limited; and Hensley requires that the fee reflect that limited outcome.

Under these circumstances, I conclude that a fee in the amount of $6,000.00 for all hours billed by all personnel who worked on this matter on Claimant's behalf is reasonable and proportionate to the success achieved. This represents a reduction of about 90% from the total unadjusted fees claimed and a reduction of about 87.5% in the adjusted fees, but the compensation award entered represented

a reduction of about 98% from the compensation award sought. In comparison, the fees here approved amount to about one-third of the results obtained.

I again emphasize that although the reduction is considerable, it does not, in any way, reflect adversely upon the skills or abilities of Claimant's counsel who performed their duties with the highest level of professional excellence throughout this proceeding. The fee approved is, however, consistent with similar adjustments in Hill and Ezell, and it is proportionate to the award secured as it must be in accordance with Hensley.[2] Therefore;

ORDER

IT IS ORDERED that Employer pay to Claimant's attorneys the sum of $4,118.52 for costs incurred and $6,000.00 for services rendered to the Claimant.

A

Stuart A. Levin
Administrative Law Judge

[2] In appropriate situations the fee award may exceed that benefits awarded. For example, In Kersey, *supra*, employer argued that Hensley applied to a claim of attorney's fees in excess of $19,000 in a case in which counsel succeeded only in obtaining benefits for a 3.75% monaural hearing loss totaling 1.9 weeks of compensation based upon an average weekly wage of $1,007.64, plus penalties. Despite the fact that the attorney's fees were several times greater than the award obtained, Kersey concluded that Hensley did not apply because the Employer had denied the claim in its entirety and the award amounted to the full amount the claimant sought. Under such circumstances Kersey explained: "…Claimant's entitlement to any relief was denied by the Employer. Considering the fees sought 'in comparison to the scope of the litigation as a whole,' Claimant won everything he sought. Hensley at 439-40. The fact that it amounted to a relatively small claim with no future compensation does not negate the vigor with which it was defended, and the necessity of the work invested by Counsel to see Claimant's case through to conclusion in achieving the results obtained which approximated 100% of the amount claimed." Thus Kersey concluded that: "[T]he product of hours reasonably and necessarily expended on the litigation as a whole, as determined above, times the reasonable hourly rate approved above is, in this instance, the appropriate method of calculating the attorneys' fees in this case. As the Court in Hensley decreed, 'A reduced fee award is appropriate if the relief, however significant, is limited in comparison to the scope of the litigation as a whole.' Hensley at 439-40. Considering the nature of the claim and the scope of the litigation, the victory achieved here was not limited in any way, and, accordingly, Hensley does not justify limiting the fee in this type of situation." Kersey at 14. The fee adjustments in Kersey thus reflected routine adjustments in the hourly rate and a few itemized hours but did not entail a Hensley-type reduction.